

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE JUUL LABS, INC., MARKETING,  
SALES PRACTICES, AND PRODUCTS  
LIABILITY LITIGATION

Case No. 3:19-md-02913-WHO

Honorable William H. Orrick

This Document Relates to:

JURY TRIAL DEMANDED

MICHAEL TOLFO

SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL  
(PERSONAL INJURY)

The Plaintiff(s) named below file(s) this *Short-Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, in *In re Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2913 in the United States District Court for the Northern District of California. Plaintiff(s) file(s) this *Short-Form Complaint* as permitted by Case Management Order No. 7 of this Court.

Plaintiff(s) select and indicate by checking-off where requested, the Parties and Causes of Actions specific to this case.<sup>1</sup>

Plaintiff, by and through their undersigned counsel, allege as follows:

<sup>1</sup> If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph 10, the specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure (*see* paragraph 11). In doing so you may attach additional pages to this *Short-Form Complaint*.

1  
2 **I. DESIGNATED FORUM**<sup>2</sup>

- 3 1. Identify the Federal District Court in which the Plaintiff would have filed in the  
4 absence of direct filing:

5 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

6 (“Transferee District Court”).

7 **II. IDENTIFICATION OF PARTIES**

8 **A. PLAINTIFF(S)**

- 9 2. *Injured Plaintiff(s)*: Name of the individual injured due to use of JUUL products:

10 MICHAEL TOLFO

11 (“Plaintiff”).

- 12 3. At the time of the filing of this *Short-Form Complaint*, Plaintiff resides in:

13 BOLTON, ONTARIO, CANADA

14 **B. DEFENDANT(S)**

- 15 6. Plaintiff(s) name(s) the following Defendants in this action

16 **THE JUUL DEFENDANTS**

17 ☒ JUUL LABS, INC., previously d/b/a as PAX LABS, INC. and PLOOM INC.;<sup>3</sup>

18 ☒ ALTRIA GROUP, INC.;<sup>4</sup>

19 ☒ PHILIP MORRIS USA, INC.;<sup>5</sup>

20 ☒ ALTRIA CLIENT SERVICES LLC;<sup>6</sup>

21 ☒ ALTRIA GROUP DISTRIBUTION COMPANY;<sup>7</sup>

22  
23  
24  
25 <sup>2</sup> See Case Management Order No. 3, at II(C) (ECF No. 309).

26 <sup>3</sup> Delaware corporation, with its principal place of business in San Francisco, California.

27 <sup>4</sup> Virginia corporation, with its principal place of business in Richmond, Virginia.

28 <sup>5</sup> Virginia corporation with its principal place of business in Richmond, Virginia.

<sup>6</sup> Virginia limited liability company with its principal place of business in Richmond, Virginia.

☒ ALTRIA ENTERPRISES LLC;<sup>8</sup>

**THE MANAGEMENT DEFENDANTS**

☒ JAMES MONSEES;<sup>9</sup>

☒ ADAM BOWEN;<sup>10</sup>

☒ NICHOLAS PRITZKER;<sup>11</sup>

☒ HOYOUNG HUH;<sup>12</sup>

☒ RIAZ VALANI;<sup>13</sup>

**THE E-LIQUID MANUFACTURING DEFENDANTS**

☒ MOTHER MURPHY'S LABS, INC.;<sup>14</sup>

☒ ALTERNATIVE INGREDIENTS, INC.;<sup>15</sup>

☒ TOBACCO TECHNOLOGY, INC.;<sup>16</sup>

☒ eLIQUITECH, INC.;<sup>17</sup>

**THE DISTRIBUTOR DEFENDANTS**

☒ MCLANE COMPANY, INC.;<sup>18</sup>

☒ EBY-BROWN COMPANY, LLC;<sup>19</sup>

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<sup>7</sup> Virginia corporation with its principal place of business in Richmond, Virginia.

<sup>8</sup> Virginia limited liability company with its principal place of business in Richmond, Virginia.

<sup>9</sup> A resident of California.

<sup>10</sup> A resident of California.

<sup>11</sup> A resident of California.

<sup>12</sup> A resident of California.

<sup>13</sup> A resident of California.

<sup>14</sup> North Carolina corporation, with a principal place of business in North Carolina.

<sup>15</sup> North Carolina corporation, with a principal place of business in North Carolina.

<sup>16</sup> Maryland corporation, with a principal place of business in Maryland.

<sup>17</sup> Maryland corporation, with a principal place of business in Maryland.

<sup>18</sup> Texas corporation with a principal place of business in Texas.

☒ CORE-MARK HOLDING COMPANY, INC.;<sup>20</sup>

**THE RETAILER DEFENDANTS**

☐ CHEVRON CORPORATION;<sup>21</sup>

☒ CIRCLE K STORES INC.;<sup>22</sup>

☐ SPEEDWAY LLC;<sup>23</sup>

☐ 7-ELEVEN, INC.;<sup>24</sup>

☐ WALMART;<sup>25</sup>

☐ WALGREENS BOOTS ALLIANCE, INC.<sup>26</sup>

**C. PRODUCT USE**

7. Plaintiff used JUUL during the time period including from JANUARY 2018 to AUGUST 2020 and that use caused and or substantially contributed to his injury.

**D. PHYSICAL INJURY**<sup>27</sup>

8. The Plaintiff(s) experienced the following physical condition, injury or illness alleged to have been caused and or contributed to as a substantial factor by JUUL:

☒ ADDICTION

☒ NICOTINE POISONING

<sup>19</sup> Delaware limited liability company with a principal place of business in Illinois.

<sup>20</sup> Delaware corporation. From 2015-2018, principal place of business California; as of 2019, principal place of business Texas.

<sup>21</sup> Delaware corporation with a principal place of business in California.

<sup>22</sup> Texas corporation with a principal place of business in Arizona.

<sup>23</sup> Delaware corporation with a principal place of business in Ohio.

<sup>24</sup> Texas corporation with a principal place of business in Texas.

<sup>25</sup> Delaware corporation with a principal place of business in Arkansas.

<sup>26</sup> Delaware corporation with a principal place of business in Illinois.

<sup>27</sup> Plaintiff(s) must check-off all physical injuries allegedly caused by Plaintiff's use of JUUL. Plaintiff is not required to plead here emotional or psychological injuries, or all manifestations of the physical injury alleged which will be inquired into as part of the Plaintiff's Fact Sheet ("PFS"). This *Short-Form Complaint* assumes that emotional and psychological damages are asserted by the Plaintiff.

☒ BEHAVIORAL ISSUES/MENTAL HEALTH (check all that apply):

- ☒ ANGER/OUTBURSTS
- ☒ MOOD SWINGS
- ☒ IRRITABILITY
- ☐ SUICIDAL THOUGHTS
- ☐ SUICIDAL ATTEMPTS
- ☐ DEATH BY SUICIDE
- ☐ OTHER (specify): \_\_\_\_\_

☒ COGNITIVE ISSUES (check all that apply):

- ☐ ATTENTION DEFICIT DISORDER
- ☐ LEARNING IMPAIRMENTS
- ☐ LACK OF CONCENTRATION
- ☒ TROUBLE SLEEPING
- ☐ OTHER (specify): \_\_\_\_\_

☐ CARDIOVASCULAR (check all that apply):

- ☐ HEART ATTACK
- ☐ OTHER CARDIOVASCULAR DIAGNOSIS (specify)  
\_\_\_\_\_

☐ NEUROLOGIC (check all that apply):

- ☐ SEIZURES
- ☐ STROKE

☐ RESPIRATORY/LUNG (check all that apply):

- ☐ ACUTE EOSINOPHILIC PNEUMONIA/PULMONARY EOSINOPHILIA
- ☐ ACUTE INTERSTITIAL PNEUMONITIS OR ACUTE PNEUMONIA
- ☐ ACUTE RESPIRATORY DISTRESS SYNDROME (ARDS)
- ☐ ASTHMA
- ☐ BRONCHITIS
- ☐ CHRONIC LUNG PROBLEMS

- ☐ CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD)
- ☐ E-CIGARETTE, OR VAPING, PRODUCT USE ASSOCIATED LUNG INJURY (EVALI)
- ☐ ESPHYSEMA
- ☐ LIPOID PNEUMONIA
- ☐ LUNG TRANSPLANT
- ☐ OTHER SPECIFIED INTERSTITIAL PULMONARY DISEASE
- ☐ PNEUMONIA (any type) (specify): \_\_\_\_\_
- ☐ POPCORN LUNG/BRONCHIOLITIS OBLITERANS
- ☐ DEATH
- ☒ OTHER PERSONAL INJURIES (specify): COUGH

9. The physical condition, injury or illnesses alleged in paragraph 8 occurred at some point after Plaintiff started using JUUL, as set forth in paragraph 7 above, and is ongoing.

#### V. CAUSES OF ACTION ASSERTED

10. The following Causes of Action asserted in the *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, and the allegations with regard thereto in the *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, are adopted in this *Short Form Complaint* by reference:

Check if Applicable	Cause of Action Number	Cause of Action
<input checked="" type="checkbox"/>	I	STRICT LIABILITY - DESIGN DEFECT
<input checked="" type="checkbox"/>	II	STRICT LIABILITY - FAILURE TO WARN
<input checked="" type="checkbox"/>	III	STRICT LIABILITY - MANUFACTURING DEFECT
<input checked="" type="checkbox"/>	IV	PRODUCTS LIABILITY - NEGLIGENT DESIGN
<input checked="" type="checkbox"/>	V	PRODUCTS LIABILITY - NEGLIGENT FAILURE TO WARN

Check if Applicable	Cause of Action Number	Cause of Action
<input checked="" type="checkbox"/>	VI	PRODUCTS LIABILITY – NEGLIGENT MANUFACTURING
<input checked="" type="checkbox"/>	VII	NEGLIGENCE AND/OR GROSS NEGLIGENCE
<input checked="" type="checkbox"/>	VIII	NEGLIGENT FAILURE TO RECALL/ RETROFIT
<input checked="" type="checkbox"/>	IX	NEGLIGENT MISREPRESENTATION
<input checked="" type="checkbox"/>	X	FRAUD
<input checked="" type="checkbox"/>	XI	FRAUDULENT CONCEALMENT
<input checked="" type="checkbox"/>	XII	CONSPIRACY TO COMMIT FRAUD
<input checked="" type="checkbox"/>	XIII	UNJUST ENRICHMENT
<input type="checkbox"/>	XIV	VIOLATION OF UNFAIR TRADE PRACTICES/CONSUMER PROTECTION LAW and specify which state's statute below _____
<input checked="" type="checkbox"/>	XV	BREACH OF EXPRESS WARRANTY
<input checked="" type="checkbox"/>	XVI	BREACH OF AN IMPLIED WARRANTY OF MERCHANTABILITY

1 **VI. ADDITIONAL CAUSES OF ACTION**

2 **NOTE**

3 If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph 10, the  
 4 specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying  
 5 with the requirements of the Federal Rules of Civil Procedure (*see* paragraph 11). In doing so you may  
 6 attach additional pages to this *Short-Form Complaint*.

7 11. Plaintiff(s) assert(s) the following additional theories against the Defendants  
 8 designated in paragraph 6 above:

9 [YOU MAY ATTACH ADDITIONAL PAGES, IF NECESSARY]

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19 **WHEREFORE**, Plaintiff(s) pray(s) for relief and judgment against Defendants for  
 20 compensatory, treble, and punitive damages, medical monitoring to diagnose JUUL induced injuries  
 21 at an earlier date to allow for timely treatment and prevention of exacerbation of injuries, together  
 22 with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper, and  
 23 such further relief as the Court deems equitable and just, and as set forth in the *Plaintiffs'*  
 24 *Consolidated Master Complaint (Personal Injury)*.  
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**JURY DEMAND**

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

**October 21, 2022**

**/s/ Joseph G. VanZandt**

**Andy D. Birchfield, Jr.**

**Joseph G. VanZandt**

**James W. Lampkin II**

**Sydney Everett**

**BEASLEY, ALLEN, CROW,**

**METHVIN, PORTIS & MILES, PC**

**234 Commerce Street**

**Montgomery, AL 36103**

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***Counsel for Plaintiff***